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FEDERAL ELECTION
COMMISSION
SECRETARIAT

MAY 23 2007

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

MUR 5821)

JUDI PARKER FOR STATE REPRESENTATIVE)

2007 MAY 23 P 12:23
CASE CLOSURE UNDER THE
ENFORCEMENT PRIORITY
SYSTEM

SENSITIVE

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

are forwarded to the Commission with a recommendation for dismissal. The Commission has determined that pursuing low-rated matters compared to other higher rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.

The Office of General Counsel scored MUR 5821 as a low-rated matter. In this case, respondent Judi Parker entered the race for Congress from Missouri's Second District, and on March 8, 2006, she registered a principal campaign committee, Judi Parker for Congress, with the Commission. Soon thereafter, she decided to drop out of that race and become a candidate for Missouri state representative. She filed a Termination Report with the Commission on April 7, 2006, which was accepted on April 25, 2006.

According to the complaint, it appears that based on a post-termination contribution or "transfer" to Judi Parker for State Representative, Ms. Parker's state committee, Judi Parker for Congress must have been collecting funds for a "terminated federal candidacy" and did not report the contributions to the Commission. The complainant specifically cites to a June 30, 2006 transfer from her federal committee to her state committee in the amount of \$1,012.75, which occurred almost two months after Ms. Parker filed her Termination Report.

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Ms. Parker responds that she was told by Commission and Missouri Ethics officials that transferring funds from the federal committee to the state committee was permissible. In addition, she states that she asked her federal contributors to re-designate their contributions to her state committee. She explains that after paying some debt, she made one transfer for \$1,185 on May 3, 2006, and another one for \$1,012.75 on June 30, 2006. She further noted that the delay in reporting was caused by contributors who did not return their re-designation forms quickly.

Ms. Parker states that Judi Parker for Congress received "much less" than \$5,000 in contributions, and she apparently made less than \$5,000 in expenditures during the election cycle. Thus, Ms. Parker was never a "candidate" under the Act. Moreover, her federal committee was active for only one month. In light of the de minimis nature of the allegations presented in MUR 5821 and in furtherance of the Commission's priorities and resources, relative to other matters pending on the Enforcement docket, the Office of General Counsel believes that the Commission should exercise its prosecutorial discretion and dismiss the matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985).

RECOMMENDATION


The Office of General Counsel recommends that the Commission dismiss MUR 5821, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters. Closing the case as of this date will allow CELA and General Law

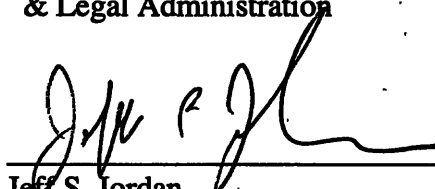
1 and Advice the necessary time to prepare the closing letters and the case file for the public
2 record.

3 Thomasenia P. Duncan
4 General Counsel

5
6
7 5/22/07
8
9 Date

10 BY:

11 
12 Gregory R. Baker
13 Special Counsel
14 Complaints Examination
15 & Legal Administration

16 
17 Jeff S. Jordan
18 Supervisory Attorney
19 Complaints Examination
20 & Legal Administration

21 
22 Elena Paoli
23 Attorney
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27

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29 Attachment:
30 Narrative in MUR 5821

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4 **MUR 5821**
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6 **Complainant:** Paul Green
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8 **Respondents:** Judi Parker, Judi Parker for Congress, Judi Parker for State
9 Representative
10
11

12 **Allegation:** Complainant alleges that Judi Parker for Congress must have been accepting
13 contributions after it terminated as a political committee based on transfers of funds it
14 made to Judi Parker for State Representative.
15

16 **Response:** Judi Parker states that she was a candidate for Congress from Missouri's
17 Second District but quit soon after filing. She then filed to run in the election for
18 Missouri state representative. She filed a termination report for her federal campaign
19 committee a month after registering it. After seeking advice from the Commission and
20 the Missouri Ethics Commission, she made two transfers/contributions of the funds in her
21 federal committee's account to her state committee. She states that one transfer was
22 made almost two months after she filed her termination report because she was waiting to
23 receive "re-designation" forms from her federal contributors showing their consent to the
24 transfer. In total, she transferred a little over \$2,000 in campaign contributions from her
25 federal committee to her state committee.
26

27 **Date complaint filed:** September 25, 2006
28

29 **Response filed:** October 16, 2006

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